

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 14 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

IN RE:

VITAMINS ANTITRUST LITIGATION

M.D.L. No. 1285

Misc. No. 99-01976-TFH-49

This Document Relates to:

TYSON FOODS, INC., ET AL.,

Docket No. 99-2681 (TFH)

BLUE SEAL FEEDS, INC., ET AL.,

Docket No. 99-2683 (TFH)

CACTUS OPERATING LTD., ET AL.,

Docket No. 99-2684 (TFH)

COUNTRYMARK COOPERATIVE,
INC., ET AL.,

Docket No. 00-234 (TFH)

SOUTHERN STATES COOPERATIVE,
INC., ET AL.,

Docket No. 99-2685 (TFH)

MARSHALL DURBIN FARMS,
INC., ET AL.,

Docket No. 99-2682 (TFH)

THE QUAKER OATS COMPANY, ET AL.

Docket No. 99-1972 (TFH)

PUBLIX SUPER MARKETS, INC. v.
F. HOFFMANN-LA ROCHE LTD., ET AL.

Docket No. 99-2786 (TFH)

MEIJER, INC. v.
F. HOFFMANN-LA ROCHE LTD., ET AL.

Docket No. 99-3282 (TFH)

KELLOGG COMPANY v. BASF AG, ET AL.

Docket No. 99-1996 (TFH)

BRISTOL-MYERS SQUIBB CO. v.
RHONE-POULENC S.A., ET AL.

Docket No. 00-0373 (TFH)

**STIPULATION AND (PROPOSED) ORDER REGARDING CERTAIN
PLAINTIFFS' RESPONSES TO CERTAIN DEFENDANTS' SECOND
CONSOLIDATED SET OF REQUESTS FOR PRODUCTION AND CERTAIN
DEFENDANTS' CONSOLIDATED SECOND SET OF JOINT
INTERROGATORIES TO ALL PLAINTIFFS ASSERTING
"INDIRECT PURCHASER" CLAIMS**

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the parties in the above-captioned matters, that the following terms shall govern Dickstein Shapiro Plaintiffs', Plaintiff Publix Super Markets, Inc.'s, Plaintiff Meijer, Inc.'s, Plaintiff Kellogg Company's, and Plaintiff Bristol-Myers Squibb Company's (collectively "Plaintiffs") Responses to Certain Defendants' Second Consolidated Set of Request for Production of Documents to All Plaintiffs Asserting "Indirect Purchaser" Claims, served on April 12, 2001, and Plaintiffs' Responses to Certain Defendants' Second Consolidated Set of Joint Interrogatories to All Plaintiffs Asserting "Indirect Purchaser" Claims, served on April 18, 2001 (collectively "Indirect Purchaser Discovery Requests");

1. At this time, counsel for Plaintiffs are in the process of determining which of the Plaintiffs, if any, are pursuing what Certain Defendants have defined as "indirect purchaser" claims. The parties are entering into this Stipulation for the purpose of resolving whether the Indirect Purchaser Discovery Requests are applicable to Plaintiffs, short of Plaintiffs responding formally to such Requests;

2. Plaintiffs shall serve their Responses to Certain Defendants' Indirect Purchaser Discovery Requests, produce non-privileged, responsive documents, if any, and serve interrogatory responses, if any, on or before June 15, 2001;

3. In the event that Plaintiffs' Responses necessitate additional depositions of Plaintiffs pursuing "indirect purchaser" claims with respect to those "indirect purchaser" claims, Plaintiffs will cooperate with any reasonable deposition request made by Certain Defendants, and will not object on the ground that the deposition schedule cannot accommodate such depositions; and

4. All other defenses and objections shall be reserved.

Dated: May 11, 2001

Respectfully submitted,

By: 

Kenneth L. Adams
Richard J. Leveridge
Marilyn T. Lynch
Dickstein Shapiro Morin & Oshinsky, LLP
2101 L Street, N.W.
Washington, D.C. 20037
(202) 785-9700

Attorneys for Dickstein Shapiro Plaintiffs

By: 

Joseph M. Vanek
Mitchell S. Cabot
Daar, Fisher, Kanaris & Vanek, P.C.
200 S. Wacker Drive, Suite 3350
Chicago, IL 60606
(312) 474-1400

Attorneys for Plaintiffs
Publix Super Markets, Inc. and Meijer, Inc.

By: 

Craig C. Corbitt
Jeannine M. Tsukahara
Sara M. Scott
Zelle, Hofmann, Voelbel, Mason & Gette LLP
500 Sansome Street, Suite 400
San Francisco, CA 94111
(415) 693-0700

Attorneys for Plaintiff Kellogg Company

By: Robert S. Frenchman / RSL by per

Louis M. Solomon
Colin A. Underwood
Robert S. Frenchman
Solomon, Zauderer, Ellenhorn,
Frischer & Sharp
45 Rockefeller Plaza
New York, New York 10111
(212) 956-3700

Attorneys for Plaintiff
Bristol-Myers Squibb Company

By: Bruce L. Montgomery / RSL by permission

Bruce L. Montgomery
Arnold & Porter
Thurmond Arnold Building
555 Twelfth Street, N.W.
Washington, D.C. 20004
(202) 942-4200

On behalf of All Defendants in the Above-
Captioned Cases

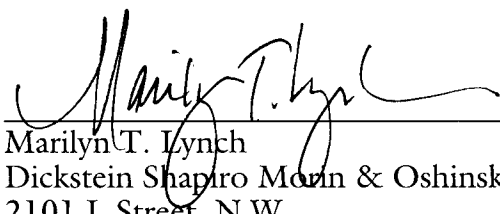
SO ORDERED:

Thomas F. Hogan
Thomas F. Hogan
United States District Judge

DATED: May 4, 2004

CERTIFICATE OF SERVICE

I, Marilyn T. Lynch, hereby certify that on May 11, 2001, I caused a true and correct copy of the accompanying Stipulation and (Proposed) Order Regarding Certain Plaintiffs' Responses to Certain Defendants' Second Consolidated Set of Requests for Production and Certain Defendants' Consolidated Second Set of Joint Interrogatories to All Plaintiffs Asserting "Indirect Purchaser" Claims, to be served electronically upon all counsel of record by electronic service pursuant to the Court's Order Regarding Electronic Service, dated May 17, 2000.



Marilyn T. Lynch
Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, D.C. 20037